

PETITION FOR CONSENT TO THE CREATION  
OF A MUNICIPAL UTILITY DISTRICT

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS:

The undersigned (herein the "Petitioner"), acting pursuant to the provisions of Chapters 49 and 54, Texas Water Code, respectfully petition the City Council of the City of Sugar Land, Texas, for its written consent to the creation of a municipal utility district and would show the following:

I.

The name of the proposed District shall be FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 136 (the "District").

II.

The District shall be created and organized under the terms and provisions of Article XVI, Section 59 of the Constitution of Texas and Chapters 49 and 54, Texas Water Code, together with all amendments and additions thereto.

III.

The District shall contain an area of 139.027 acres of land, more or less, situated in Fort Bend County, Texas. The land to be included in the District is located partially within the corporate boundaries of the City of Sugar Land, Texas and partially within the extra-territorial jurisdiction of the City of Sugar Land, Texas. However, prior to development, all of the land currently in the extra-territorial jurisdiction will be annexed into the corporate boundaries of the City of Sugar Land, Texas. All of the land proposed to be included may properly be included in the District. The land proposed to be included within the District consists of one tract described by metes and bounds in Exhibit "A," which is attached hereto and incorporated herein for all purposes (the "Land").

IV.

Petitioner holds fee simple title to the Land, which tract is described more particularly on Exhibit "A," attached hereto and incorporated herein. Petitioner hereby represents that it owns a majority in value of the Land which is proposed to be included in the District, as indicated by the certificate of ownership provided by the Fort Bend Central Appraisal District.

V.

Petitioner represents that Residential Funding Corporation is the only lienholder on the Land and that there are no residents on the Land.

## VI.

The general nature of the work to be done by the District at the present time is the design, construction, acquisition, maintenance and operation of a waterworks and sanitary sewer system for domestic and commercial purposes, and the construction, acquisition, improvement, extension, maintenance and operation of works, improvements, facilities, plants, equipment and appliances helpful or necessary to provide more adequate drainage for the District, and to control, abate and amend local storm waters or other harmful excesses of waters, and such other construction, acquisition, improvement, maintenance and operation of such additional facilities, systems, plants and enterprises as shall be consonant with all of the purposes for which the District is created.

## VII.

There is, for the following reasons, a necessity for the above-described work. The area proposed to be within the District is urban in nature, is within the growing environs of the City of Sugar Land, Texas, and is in close proximity to populous and developed sections of Fort Bend County, Texas. There is not now available within the area, which will be developed for single family residential and commercial uses, an adequate waterworks system, sanitary sewer system, or drainage and storm sewer system. The health and welfare of the present and future inhabitants of the area and of the territories adjacent thereto require the purchase, design, construction, acquisition, ownership, operation, repair, improvement and extension of an adequate waterworks system, sanitary sewer system, and drainage and storm sewer system. A public necessity, therefore, exists for the creation of the District, to provide for the purchase, design, construction, acquisition, ownership, operation, repair, improvement and extension of such waterworks system, sanitary sewer system, and drainage and storm sewer system, to promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

## VIII.

Petitioner, by submission of this Petition, request the City's consent to the creation of the District containing the Land under the same conditions set forth in the City of Sugar Land Code of Ordinances, Chapter 26, Article II.

## IX.

A preliminary investigation has been made to determine the cost of the proposed District's projects, and it is now estimated by the Petitioner, from such information as they have at this time, that such cost will be approximately \$4,875,000.

WHEREFORE, Petitioner prays that this petition be heard and that the City Council duly pass and approve an ordinance or resolution granting the consent to the creation of the District and authorizing the inclusion of the land described herein within the District.

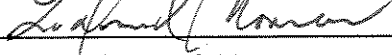
**[EXECUTION PAGES FOLLOW]**

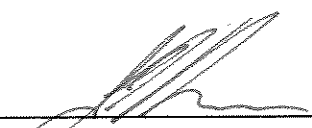
RESPECTFULLY SUBMITTED this 30<sup>th</sup> day of April, 2004.

NNP-KEEPSAKE, L.P.,  
a Texas limited partnership

By: NNP-TV Communities, LP,  
a Texas limited partnership  
its general partner

By: NNP-TV Management, LLC,  
a Delaware limited liability company  
its general partner

By:   
Name: LaDonna K. Monsees  
Title: Sr. Vice President

By:   
Name: James H. McLennan  
Title: Vice President and  
Chief Financial Officer

THE STATE OF TEXAS           §  
  §  
COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2004, by \_\_\_\_\_ of NNP-TV Management, LLC, a Delaware limited liability company, in its capacity as general partner of NNP-TV Communities, LP, a Texas limited partnership, in its capacity as general partner of NNP-KEEPSAKE, L.P., a Texas limited partnership, on behalf of said company and limited partnerships.

\_\_\_\_\_  
Notary Public, State of Texas

(NOTARY SEAL)

THE STATE OF California §  
COUNTY OF San Diego §

April, 2004, by LADONNA K. MONSEES and James H. McLennan of NNP-TV Management, LLC, a Delaware limited liability company, in its capacity as general partner of NNP-TV Communities, LP, a Texas limited partnership, in its capacity as general partner of NNP-KEEPSAKE, L.P., a Texas limited partnership, on behalf of said company and limited partnerships.



Liz Groman  
Notary Public, State of California

(NOTARY SEAL)

# EXHIBIT A

July 31, 2003  
Job No. 1800-0100D-002

## DESCRIPTION OF 139.027 ACRES FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NUMBER 136

Being 139.027 acres of land located in the M.M. Battle League, Abstract 9 and the Alexander Hodge League, Abstract 32, Fort Bend County, Texas, more particularly being a portion of that certain called 1651.239 acre tract conveyed to State Of Texas, for the use and benefit of the Permanent School Fund by instrument of record in File No. 2003023371, Official Records of Fort Bend County, Texas (F.B.C.O.R.), said 139.027 acres being more particularly described by metes and bounds as follows (all bearings based on the Texas State Plane Coordinate System, South Central Zone, NAD 83 (1993 adj.);

BEGINNING at the northwest corner of aforementioned 1651.239 acre tract and being on the southerly right-of-way line of U.S. Highway No. 90-A (width varies);

Thence, with said southerly right-of-way line of U.S. Highway No. 90-A the following eight (8) courses:

- 1) North 65° 38' 00" East, 256.52 feet to a point corner, the beginning of a curve whose center bears North 24° 20' 41" West;
- 2) 680.39 feet along the arc of a curve to the left, having a radius of 6043.20 feet, a central angle of 06° 27' 03" and a chord which bears North 62° 25' 47" East, 680.03 feet to a point for corner;
- 3) North 59° 11' 55" East, 1248.41 feet to a point for corner;
- 4) North 68° 00' 36" East, 590.04 feet to a point for corner;
- 5) North 74° 12' 22" East, 439.62 feet to a point for corner;
- 6) North 80° 00' 58" East, 190.03 feet to a point for corner;
- 7) North 86° 16' 15" East, 499.90 feet to a point for corner;
- 8) South 84° 07' 01" East, 296.32 feet to a point for corner in the proposed southerly right-of-way line of State Highway No. 6 (width varies), the beginning of a curve whose center bears North 45° 54' 08" East;

Thence, with said proposed southerly right-of-way line of S.H. 6 the following nine (9) courses;

- 1) 417.34 feet along the arc of a curve to the left, having a radius of 1954.86 feet, a central angle of  $12^{\circ} 13' 56''$  and a chord which bears South  $50^{\circ} 12' 50''$  East, 416.55 feet to a point for corner at the end of said curve;
- 2) South  $55^{\circ} 56' 43''$  East, 751.97 feet to a point for corner, the beginning of a curve whose center bears South  $34^{\circ} 01' 46''$  West;
- 3) 116.05 feet along the arc of a curve to the right, having a radius of 2844.79 feet, a central angle of  $02^{\circ} 20' 15''$  and a chord which bears South  $54^{\circ} 48' 06''$  East, 116.05 feet to a point for corner;
- 4) South  $48^{\circ} 52' 39''$  East, 173.99 feet to a point for corner;
- 5) South  $52^{\circ} 44' 09''$  East, 316.89 feet to a point for corner;
- 6) South  $59^{\circ} 35' 02''$  East, 203.34 feet to a point for corner, the beginning of a curve whose center bears North  $36^{\circ} 37' 03''$  East;
- 7) 288.82 feet along the arc of a curve to the left, having a radius of 2897.80 feet, a central angle of  $05^{\circ} 42' 38''$  and a chord which bears South  $56^{\circ} 14' 17''$  East, 288.70 feet to a point for corner at the end of said curve;
- 8) South  $59^{\circ} 06' 33''$  East, 683.68 feet to a point for corner, the beginning of a curve;
- 9) 186.06 feet along the arc of a tangent curve to the right, having a radius of 2844.79 feet, a central angle of  $03^{\circ} 44' 50''$  and a chord which bears South  $57^{\circ} 13' 29''$  East, 186.02 feet to a point for corner in the east line of the aforementioned 1651.239 acre tract, same being the west line of that certain tract called 57.2991 acres described by instrument of record under File No. 9574191, F.B.C.O.R.;

Thence, with the common line of said 1651.239 and 57.2991 acre tracts, South  $01^{\circ} 50' 41''$  East, 1102.24 feet to a point for corner;

Thence, leaving said common line, North  $56^{\circ} 18' 10''$  West, 1941.38 feet to a point for corner;

Thence, North  $55^{\circ} 44' 47''$  West, 1181.33 feet to a point for corner, the beginning of a curve;

Thence, 1272.87 feet along the arc of a curve to the left, having a radius of 1231.00 feet, a central angle of  $59^{\circ} 14' 40''$  and a chord which bears North  $85^{\circ} 22' 07''$  West, 1216.92 feet to a point for corner;

Thence, South  $65^{\circ} 00' 33''$  West, 271.76 feet to a point for corner;

Thence, South  $67^{\circ} 16' 07''$  West, 1487.35 feet to a point for corner, the beginning of a curve whose center bears North  $07^{\circ} 44' 20''$  West;

Thence, 1033.18 feet along the arc of a non-tangent curve to the right, having a radius of 6719.92 feet, a central angle of  $08^{\circ} 48' 33''$  and a chord which bears South  $86^{\circ} 39' 57''$  West, 1032.16 feet to a point for corner on the west line of aforementioned 1651.239 acre tract;

Thence, with the west line of said 1651.239 acre tract, North  $03^{\circ} 32' 21''$  West, 352.07 feet to the POINT OF BEGINNING and containing 139.027 acres of land.

Note: This document was prepared under 22 TAC § 663.21, does not reflect the results of an on-the-ground survey and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

LJA Engineering & Surveying Inc.

